

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

AARON STATEN,

Plaintiff,

Case No. 21-cv-11323  
Hon. Matthew F. Leitman

v.

HOME CARE SERVICES, INC.,

Defendant.

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**ORDER GRANTING PLAINTIFF LEAVE  
TO FILE A FIRST AMENDED COMPLAINT**

On April 26, 2021, Plaintiff Aaron Staten filed this employment discrimination action against his former employer, Home Care Services, Inc. (“HCS”) in the Wayne County Circuit Court. (*See* Compl., ECF No. 3-1.) HCS removed the action to this Court, and it has now filed a motion to dismiss pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6), and 12(c). (*See* Notice of Removal, ECF No. 3; Mot. to Dismiss, ECF No. 4.) The primary basis of the motion is that Staten is subject to a mandatory arbitration provision that precludes him from pursuing his claims in this forum. (*See id.*) In the alternative, HCS argues that Staten has failed to plead sufficient facts to state viable claims under the Supreme Court’s decisions in *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007) and *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). (*See id.*, PageID.53.)

Without expressing any view regarding the merits of the motion to dismiss, the Court will grant Staten the opportunity to file a First Amended Complaint in order to remedy the alleged deficiencies in his claims identified by HCS in the motion to dismiss. The Court does not anticipate allowing Staten another opportunity to amend to add factual allegations that he could now include in his First Amended Complaint. Simply put, this is Staten's opportunity to allege any and all additional facts, currently known to him, that may cure the alleged deficiencies in his claims.

By **June 28, 2021**, Staten shall notify the Court and HCS in writing whether he will amend the Complaint or respond to the motion to dismiss. If Staten provides notice that he will be filing a First Amended Complaint, he shall file that amended pleading by no later than **July 12, 2021**, and HCS shall answer or otherwise respond to it by no later than **August 9, 2021**. Upon the filing of a First Amended Complaint, the Court will terminate without prejudice HCS's currently pending motion to dismiss as moot.

If Staten provides notice that he will not be filing a First Amended Complaint, he shall file a response to HCS' motion to dismiss by no later than **July 12, 2021**.

**IT IS SO ORDERED.**

Dated: June 14, 2021

s/Matthew F. Leitman  
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MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 14, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager  
(810) 341-9764